



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/696,807 | 10/30/2003 | James Hunter Enis | DC-05548 | 1302 |

7590 02/23/2006
Stephen A. Terrile
HAMILTON & TERRILE, LLP
PO Box 203518
Austin, TX 78720

EXAMINER

FERNANDEZ RIVAS, OMAR F

ART UNIT PAPER NUMBER

2129

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,807

Applicant(s)

ENIS ET AL.

Examiner

Omar F. Fernández Rivas

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/1/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-39 are pending on this application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

On paragraph 28, lines 1-2 there is recited a "solution environment **100**" in figure 1 which is not shown in the figure.

Paragraph 29, line 3 recites " a content authoring portion **120**" which is not shown in the figure. A content authoring portion is shown as item 122.

Paragraph 29, line 4 recites a "workflow engine portion **122**". Item 122 refers to a content authoring portion while a workflow engine portion is referred to as item 124.

Paragraph 54 refers to Fig. 6 on line 1. There is no figure marked Fig. 6, there are Fig. 6A and Fig. 6B.

Paragraph 54 recites "authoring portion 610", "file option **640**", "editor option 642", "view option 644", "workflow option **646**", "policy admin option **648**", "edit option 650", none of which are shown in figures 6A or 6B.

Paragraph 55, line 1 recites "decision tree information portion **620**" which is not shown in the figure.

Paragraph 57, line 9 recites "a call log entry **720**" which is not shown in the figure.

Paragraph 57, line 13 recites “an environmental variable entry **722**” which is not shown in the figure.

Paragraph 59, line 1 cites “Actuating the steps tab **820**” which is not identified in the figure.

Paragraph 60, line 1 cites “Actuating the policy tab **822**” which is not identified in the figure.

Paragraph 61, line 1 cites “Actuating the system tab **824**” which is not identified in the figure.

Paragraph 62, line 1 cites “Actuating the call log tab **826**” which is not identified in the figure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2,5-6, 9-11, 13-15, 18-19, 22-24, 26-28, 31-32, 35-37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Skaaning et al (US Patent #6,535,865, refereed to as **Skaaning**).

Claims 1, 14 and 27

Skaaning anticipates a method, apparatus and module for searching potential solutions within a solution network (**Skaaning**: abstract, L1-2; Examiner's Note (EN): a troubleshooter searches for potential solutions to a problem. A Bayesian network is a solution network) comprising: authoring a solution to solve an issue (**Skaaning**: C6, L10-21); storing the solution within a decision tree relating to the issue (**Skaaning**: C6, L10-21; Fig. 4; EN: the knowledge acquired must be stored in the network to create the troubleshooter); and, searching the solution network based upon the issue, the searching including accessing the decision tree relating to the issue (**Skaaning**: C5, L5-

Art Unit: 2129

16; C25, L 1-53; Fig. 6; Fig. 7; C27, L34-67; C28, L1-23; Fig. 8; C43, claim 1; EN: the troubleshooter will search the network to find a solution to the problem).

Claims 2, 15 and 28

Skaaning anticipates presenting results of a search in a graphical presentation (**Skaaning**: C8, L1-9; C8, L20-22; Fig. 1; EN: when accessing the troubleshooter and monitoring the process the results are presented in a display (graphical presentation)).

Claims 5, 18 and 31

Skaaning teaches the searching includes a self learning symptom based search using a perception of an issue by the customer (**Skaaning**: C5, L53-67; C6, L22-53; EN: logging data collected from the user and the outcome of the troubleshooting session is self learning).

Claims 6, 19 and 32

Skaaning teaches the decision tree links and strengthens or lessens relevancies of trees to customer symptoms (**Skaaning**: C5, L32-44; C15, L5-20; EN: calculating the probabilities strengthen or lessens the relevancies of a tree in solving a problem).

Claims 9, 22 and 35

Skaaning teaches storing the solution within a decision tree includes linking together existing knowledge articles to generate troubleshooting trees (**Skaaning**: C9, L31-34; C10, L34-44; C44, L14-20; EN: causes and subcauses are linked together to generate trees).

Art Unit: 2129

Claims 10, 23 and 36

Skaaning teaches authoring the solution includes creating new articles available for use through searching the knowledge base in other decision trees (**Skaaning**: C5, L24-44; C33, L49-67, C34, L1-2; Fig. 5; Fig. 11; C43, claim 6).

Claims 11, 24 and 37

Skaaning teaches authoring the solution includes creating content and troubleshooting trees by viewing an issue in a process flow (**Skaaning**: Abstract, L1-7; C8, L66-67; C9, L1-16, C44, L15-30; EN: a problem in the system is an issue in a process flow).

Claims 13, 26 and 39

Skaaning teaches authoring the solution is dynamic to enable content reviewers to review relationships between individual pieces of knowledge (**Skaaning**: C8, L20-22; C9, L31-34; C10, L34-44; EN: causes and subcauses are individual pieces of knowledge).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 7-8, 12, 16-17, 20-21, 25, 29-30, 33-34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skaaning et al in view of Weinberg et al (US

Patent #6,535,865, referred to as **Skaaning**; US Patent #6,587,969, referred to as **Weinberg**).

Claims 3, 16 and 29

Skaaning does not teach the presenting includes rendering results of the search in a hierarchical view, the hierarchical view enabling a user to bypass certain solutions by skipping steps.

Weinberg teaches the presenting includes rendering results of the search in a hierarchical view, the hierarchical view enabling a user to bypass certain solutions by skipping steps (**Weinberg**: C5, L52-59; C8, L63-65; C11, L51-63).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Skaaning by rendering the results of the search in a hierarchical view, allowing the user to skip steps as taught by Weinberg for the purpose of making the process of finding a solution faster by skipping steps that will not provide a useful solution to the problem.

Claims 4, 17 and 30

Skaaning does not teach rendering results of the search in a tree format, the tree format enabling navigating through trouble shooting steps one step at a time, the tree format enabling a user to pick and choose particular steps to access.

Weinberg teaches rendering results of the search in a tree format, the tree format enabling navigating through trouble shooting steps one step at a time, the tree format enabling a user to pick and choose particular steps to access (**Weinberg**: C5, L52-59; C8, L63-65; C11, L51-67, C12, L 1-15).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Skaaning by rendering results of the search in a tree format, the tree format enabling navigating through trouble shooting steps one step at a time, the tree format enabling a user to pick and choose particular steps to access as taught by Weinberg for the purpose of allowing the user to select each step to execute so that only the steps relevant to the problem are performed.

Claims 7, 20 and 33

Skaaning does not teach enabling trees to be searchable by viewing a hierarchical view of trees organized based upon business needs.

Weinberg teaches enabling trees to be searchable by viewing a hierarchical view of trees organized based upon business needs (**Weinberg**: C2, L41-44; C5, L52-59; C11, L34-50).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Skaaning by enabling trees to be searchable by viewing a hierarchical view of trees organized based upon business needs as taught by Weinberg for the purpose of allowing the user to view the solution trees in a way that shows the relationships between the problems and the solutions organized by processes.

Claims 8, 21 and 34

Skaaning does not teach storing the solution within a decision tree provides a dynamic tool that reuses content and renders content based on the symptom and requested environmental variables.

Weinberg teaches storing the solution within a decision tree provides a dynamic tool that reuses content and renders content based on the symptom and requested environmental variables (**Weinberg**: Abstract; C2, L41-56; EN: data input requested are environmental variables).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Skaaning by storing the solution within a decision tree providing a dynamic tool that reuses content and renders content based on the symptom and requested environmental variables as taught by Weinberg for the purpose of creating the troubleshooter to provide the user with solutions to problems related to the operating state of the system and allowing the troubleshooter to reuse that information to provide solutions to future problems.

Claims 12, 25 and 38

Skaaning does not teach dragging and dropping of content to create relationships and create individual knowledge articles.

Weinberg teaches dragging and dropping of content to create relationships and create individual knowledge articles (**Weinberg**: C2, L51-56; C11, L1-5).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Skaaning by incorporating dragging and dropping of content to create relationships and create individual knowledge articles as taught by Weinberg for the purpose of making it easier for the user to create trees by simply choosing content to inter-relate, relieving the user from the burden of having to actually program the system every time he wishes to create a new solution tree.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skaaning US Patent Application 09/738,716

Sullivan et al US Patent #6,694,314

Sullivan et al US Patent #6,477,531

6. Claims 1-39 are rejected.

Correspondence Information

7. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandezrivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

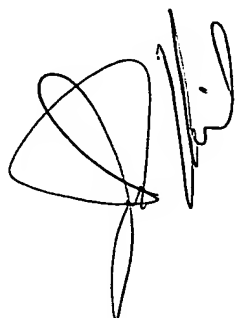
Application/Control Number: 10/696,807
Art Unit: 2129

Page 11

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
United States Department of Commerce
Patent & Trademark Office

Friday, February 10, 2006

OFR



P.E.